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FOR NEA/ARP, LONDON FOR TSOU, PARIS FOR ZEYA

E.O. 12958: N/A

TAGS: PHUM PGOV PREL KU

SUBJECT: FREEDOM AGENDA: CONSTITUTIONAL COURT REVOKE  
FREEDOM-RESTRICTING 1979 PUBLIC GATHERINGS LAW

REF: 05 KUWAIT 2172

¶1. On May 1, the Constitutional Court, one of Kuwait's top judicial bodies, unexpectedly revoked a 1979 law prohibiting public gatherings without prior Government approval. In a verdict in a case against two Kuwaiti lawyers who faced up to two years in prison for holding a public meeting to criticize the Government without obtaining the necessary Government permit, the court ruled that the 1979 law violated Articles 36 and 44 of Kuwait's Constitution, which guarantee freedom of expression and the right of assembly, respectively. According to a constitutional expert, the verdict cannot be appealed.

¶2. The law's revocation means that those seeking to hold gatherings or marches in Kuwait now only have to inform the authorities prior to an event and are no longer obliged to obtain a permit, according to press reports. Lawyer Najib Al-Wqayyan, who filed the constitutional case on behalf of the two lawyers, said the verdict would nullify all cases filed by the Government based on the 1979 law, including the charges brought against the Ummah (Nation) Party for holding an illegal meeting to form a party (reftel).

A Historic Day

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¶3. Kuwaitis across the political spectrum were elated by the ruling. One former Member of Parliament (MP) and a legal expert told Poloff May 2 the verdict was "the first step to new reforms." He predicted other reforms aimed at combating corruption would soon follow. On May 2, the English daily Arab Times quoted one of the accused lawyers as saying, "This is a victory for democracy and human rights in this country." Walid Al-Jiri, an independent, Islamist MP, echoed this view, saying, "This is a historic day for Kuwaiti politics and the Constitution." He predicted the verdict would "contribute towards expanding freedoms and the base of popular participation." Salafi MP Dr. Walid Al-Tabtabaei urged Kuwaiti individuals and groups to take advantage of this verdict in expressing their opinions without violating Islamic Shari'a. Dr. Ghanem Al-Najjar, a human rights activist and political science professor, said the "historic" verdict "boosts the constitutional institutions in Kuwait and opens the door for moving similar cases in this direction that would serve the same goals." Al-Wqayyan said he considers the verdict a turning point and a landmark in the history of the Kuwaiti judiciary.

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